

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES V. CAICO,

Petitioner,

No. CIV S-02-1363 DFL DAD P

vs.

D. L. RUNNELS, et al.,

Respondents.

AMENDED ORDER

This court vacates the order filed in this case on September 28, 2006, and hereby issues the following amended order.

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 7, 2002, respondents were directed to file an answer to the petition and to include with the answer all transcripts and other documents relevant to a determination of the issues presented in the application. On June 15, 2004, respondents lodged the Reporter's Transcript on Appeal. Although respondents cite to the Clerk's Transcript on Appeal in their answer (see e.g., pg.7), they have not lodged the Clerk's Transcript with this court. The court finds that the Clerk's Transcript on Appeal is necessary to a determination of this action. Accordingly, pursuant to Rule 7 of the Rules Governing Section

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1 2254 Cases in the United States District Courts, respondents will be directed to lodge the Clerk's
2 Transcript within fourteen days.

3 Good cause appearing, IT IS HEREBY ORDERED that, within fourteen days
4 from the date of this order, respondents shall lodge the Clerk's Transcript on Appeal.

5 DATED: September 29, 2006.

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8 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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